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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,422	06/10/2005	Michael Hulskemper	112740-1087	3591
29177	7590	12/10/2007		
BELL, BOYD & LLOYD, LLP			EXAMINER	
P.O. BOX 1135			PHAM, TUAN	
CHICAGO, IL 60690			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,422	Applicant(s) HULSKEMPER, MICHAEL	
	Examiner TUAN A. PHAM	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9, and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 7-9, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added subject matter of "an exposed section of the second housing part comprises an internal acoustic area defined by a wall located within the **first housing part** that separates the acoustic area from the remainder of the second housing part" to independent claim 7 is considered new matter because the specification as original filed does not provide support for such limitation.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the recitation "an exposed section of the second housing part comprises an internal acoustic area defined by a wall located within the first housing part that separates the acoustic area from the remainder of the second housing part" renders the claim indefinite because it is not clear as what are being claimed.

Claim Rejections - 35 USC § 103

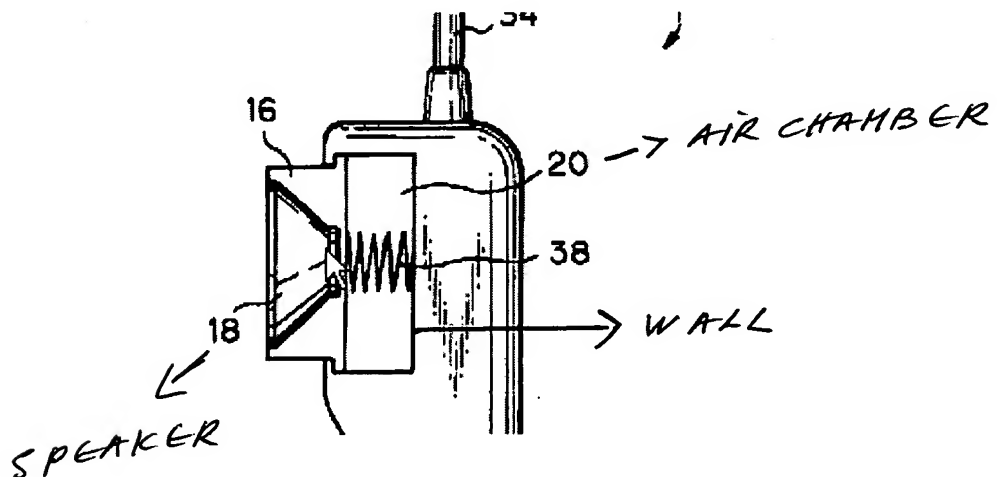
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 7-9, and 11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubo (US Patent No.: 5,883,966) in view of Bank et al. (US Pub. No.: 2003/0059069, hereinafter, "bank") and further in view of Mori (US Patent No.: 6,539,208).**

Regarding claim 7, Kubo teaches a mobile telephone comprising (see figure 5):

a first and a second housing part (see figure 5, first housing 12b, second housing 12a), wherein each part can be displaced with respect to one another in such a way that respective sections of each housing part are exposed as a result of the displacement (see figure 5, first housing 12b and second housing 12a are display and exposed when the mobile 30 is unfolded), and wherein an exposed section of the second housing part comprises an internal acoustic area (read on air chamber) defined by a wall located within the second housing part that separates the acoustic area from the remainder of the second housing part (see figure 5; speaker 18, speaker case 16, air chamber 20, col.3, ln.4-31), and speaker and operating element are located on an outside surface of the acoustic area (see figure 5, speaker 18, speaker case 16, air chamber 20, col.3, ln.4-31, it is obvious that the speaker system that is included a piezoelectric resonant element).



It should be noticed that Kubo fails to teach a bending wave loudspeaker comprising a plate-like element for emitting audible signals and an operating element for

exciting bending waves in the plate-like element. However, Bank teaches a bending wave loudspeaker comprising a plate-like element for emitting audible signals and an operating element for exciting bending waves in the plate-like element (see figures 5, 10, 12, plate-like, active piezoelectric resonant element, [0061, 0078, 0081]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bank into view of Kubo in order to improve the input energy as suggested by Bank at co1.1, [0007].

Kubo and Bank, in combination, fails to teach speaker is that faces away from a user. However, Mori teaches speaker is that faces away from a user (see figure 5, speaker 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mori into view of Kubo and bank in order to provide easier-to-handle and good visibility for the user as suggested by Mori at col.2, ln.47-50.

Regarding claim 8, Bank further teaches a material for the plate-like element is optimized for the purpose of excitation with bending vibrations (see [0004, 0057]).

Regarding claim 9, after combine, Mori teaches a keypad arranged in the section of the first housing part that is exposed by the displacement (see figure 5, keypad 41 is located on the body 1). Kubo teaches the plate-like element of the bending wave loudspeaker is arranged in the exposed section of the second housing part (see figure 5, speaker 18 is located on second housing).

Regarding claim 11, Bank further teaches the separating wall mechanically protects the interior of the second housing part against buckling of the plate-like element (see figure 2, upper and lower beam 88 and 90).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Pham whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:30 AM-5:30 PM.

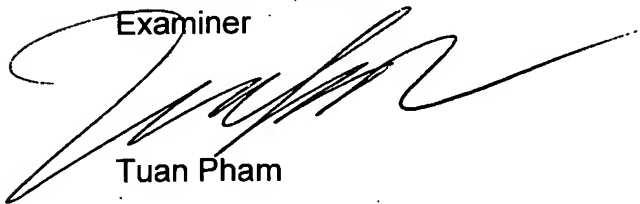
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2618
December 3, 2007
Examiner



Tuan Pham

Supervisory Patent Examiner
Technology Center 2600



Matthew Anderson